

REMARKS

Favorable consideration and allowance of the present application are respectfully requested in view of the foregoing amendments and the following remarks. Claims 1-18 remain pending in the present application, including independent claims 1, 10, and 18.

In the Office Action, claims 1-8 were rejected under 35 U.S.C. § 102(b) in view of U.S. Pat. No. 4,523,403 to Ivy, et al. Ivy, et al. discloses a foldable frame for receiving and supporting fishing poles. However, Ivy, et al. fails to disclose a number of the limitations required by independent claim 1.

First, Ivy, et al. does not disclose a plate having a pair of T-shaped engagement members on the ends thereof. The Office Action cites the angular bar 27 hinged at its opposite ends to the inclined legs (see, Fig. 1, Fig. 5, and Col. 2, lines 15-17) as teaching a T-shaped engagement member. However, Applicants respectfully disagree with this interpretation of Ivy, et al. Nowhere does Ivy, et al. disclose or suggest that the hinges on bar 27 be T-shaped. For example, as shown below in Fig. 5 of Ivy, et al., angular bar 27 is a L-shaped bar having a circle hinge at one end. Nowhere does this figure, or any other figure or disclosure of Ivy, et al., disclose a plate having a pair of T-shaped engagement members on the ends thereof, as required by independent claim 1.

Second, Ivy, et al. does not disclose rails defining a slot capable of engaging T-shaped engagement members. As required by independent claim 1, the plate has a pair of T-shaped engagement members located on opposite ends thereof such that the T-shaped engagement members are located in the slots to be slideably positioned along the rails. For example, referring to Fig. 3 of the present application (shown

below), plate 14 has T-shaped engagement members 60 on either end that are received in a first cavity 62 and slot 66 defined in each of the rails 16, 18. Pg. 6, lines 9-12.

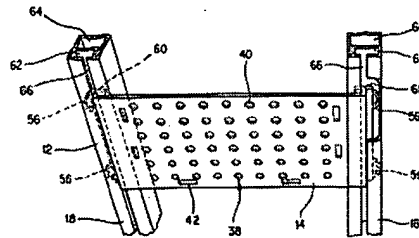


FIG. 3

In such a configuration, plate 14 may be slid along rails 16, 18 to a desired location. Pg. 6, line 12. Ivy, et al. does not disclose such a slot defined by the rail.

Third, Ivy, et al. does not disclose that the plate is slideably positioned along the rails. The Office Action cites Fig. 5 as disclosing that bar 27 is slideably positioned along the U-shaped member. However, as shown below, Ivy, et al. specifically discloses that bar 27 is attached to the frame member 11 at hinges 28.

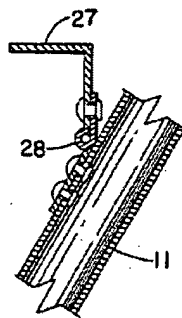


FIG. 5

While hinge 28 may allow bar 27 to rotate about hinge 28, this type of attachment would not allow the bar 27 to slide along the length of frame member 11. Ivy, et al. simply fails to disclose or even suggest that the bar 27 is slideably positioned along the frame members 11.

Referring to independent claim 1, the plate configured for retaining fishing equipment thereon is carried by the pair of rails. The plate has a pair of T-shaped engagement members located on opposite ends thereof such that the T-shaped engagement members are located in the slots to be slideably positioned along the rails. Referring to the present application, the T-shaped retaining members allow the plate to be slideably positioned along the length of the rails. Pg. 3, lines 3-5. An adjustable plate may be advantageous in reconfiguring the rack in order to hold extra fishing equipment owned by the fisherman. Pg. 5, line 9-10. Also, an adjustable plate may be advantageous in that the rack may be adjusted by the manufacturer or store owner in order to better fit or display different types of fishing equipment thereon. Pg. 5, lines 10-12. Nowhere does Ivy, et al. disclose any such attachment. In view of the deficiencies of Ivy, et al., Applicants respectfully submit that independent claim 1 is not anticipated by Ivy, et al.

Also in the Office Action, independent claims 10 and 18 were rejected under 35 U.S.C. § 103(a) in view of U.S. Pat. No. 4,696, 122 to Van Der Zyl in combination with U.S. Pat. No. 5,873,192 to Chiu. Van Der Zyl discloses an apparatus that includes a frame with a first clip for holding a lower portion of a fishing rod and a second clip attached to a frame for holding an upper portion of the fishing rod. See, i.e., Abstract. However, as admitted by the Office Action, Van Der Zyl fails to teach or even suggest that a plate having a pair of T-shaped engagement members located on opposite ends thereof such that the T-shaped engagement members are located in the slots to be slideably positioned along the rails, as required by independent claims 10 and 18.

In order to overcome the deficiencies of Van Der Zyl, the Office Action combines the teachings of Chiu. Chiu is directed to a fishing kit including a partitioned tray for holding various fishing tackles and tools, a foldable chair adjustable to different heights and an adjustable bar engageable with an umbrella. Specifically, the Office Action cites the butterfly nuts 18 shown in Fig. 2 of Chiu as disclosing a T-shaped engagement member. As shown in Fig. 2 of Chiu, the butterfly nuts 18 are attached to the bolt to allow the rack 17 to rotate about the bolt. Col. 2, lines 6-8. However, as with the hinges of Ivy, et al., Chiu fails to teach a T-shaped engagement member located in slots to be slideably positioned along the rails. Nowhere does either Van Der Zyl or Chiu disclose or even suggest such a configuration.

Furthermore, no motivation exists to combine the teachings of Chiu with the teachings of Van Der Zyl as attempted by the Office Action. One of ordinary skill in the art would not use of the butterfly nut and bolt of Chiu to attach the tubular shafts 11 to the end portions 36 of clip structure 14 of Van Der Zyl. Van Der Zyl discloses that the relative position of the clip structures 14 can be changed by pushing or pulling on them very hard. Col. 3, lines 52-55. However, the use of bolts and nuts to engage the tubular shaft 11 to the end portion 36 of clip structure 14 would prevent such movement. As such, the combination of Van Der Zyl and Chiu would actually destroy the function of Van Der Zyl. Thus, Applicants respectfully submit that one of ordinary skill in the art would not be motivated to modify Van Der Zyl with the teachings of Chiu, as attempted by the Office Action.

In any event, even if combined absent any motivation to do so, the combination of Van Der Zyl and Chiu still fails to teach several aspects of independent claims 10 and

18. For example, neither reference teaches or suggests the use of rails having slots capable of engaging the T-shaped engagement members. As shown above in Fig. 3, plate 14 has T-shaped engagement members 60 on either end that are received in a first cavity 62 and slot 66 defined in each of the rails 16, 18. Pg. 6, lines 9-12. Neither Van Der Zyl nor Chiu disclose such a configuration.

Applicants also respectfully submit that for at least the reasons indicated above relating to corresponding independent claims, the pending dependent claims patentably define over the references cited. However, Applicants also note that the patentability of the dependent claims certainly does not hinge on the patentability of independent claims. In particular, it is believed that some or all of these claims may possess features that are independently patentable, regardless of the patentability of the independent claims.

For at least the reasons set forth above, it is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Parsley is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Amendment.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,

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